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| Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | Not Yet Assigned |
| | | | | Filing Date | Concurrently Herewith |
| | | | | First Named Inventor | Richard DeRose |
| | | | | Art Unit | Not Yet Assigned 1638 |
| | | | | Examiner Name | Not Yet Assigned H. Ibrahim |
| Sheet | 1 | of | 1 | Attorney Docket Number | 05500-00128-US |

| U.S. PATENT DOCUMENTS | | | | | |
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| MAB | AA | 5,510,471 | 4/23/96 | Rhone-Poulenc Agrochimie | |
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| | | Country Code ³ -Number ⁴ -Kind Code ² (if known) | | | | |
| MAB | BA | EP 508,909 | 10/14/92 | Rhone-Poulenc Agrochimie | See AA | |
| | BB | EP 652,286 | 5/10/95 | Rhone-Poulenc Agrochimie | See AB | |
| | BC | PCT 97/04103 | 2/6/97 | PCT | | |
| | BD | PCT 92/04449 | 3/19/92 | PCT | | |
| | BE | PCT 91/09948 | 7/11/91 | PCT | | |

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

| NON PATENT LITERATURE DOCUMENTS | | | | |
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| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² | |
| MAB | | Plant Molecular Biology 22: 1007-1015, 1993, "Nuclease sensitivity and functional analysis of a maize histone H3 gene promoter", Brignon et al. | | |
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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| Examiner Signature | Hedra A. Ibrahim | Date Considered | 09/19/05 |
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